IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15924 of 2005

Between:

Syed Anwar Hussain, S/o. Syed Ghulam Hussain,
R/o. H.No.6-3-145/38, Near Kasba High School, Nirmal District; Adilabad.

..... PETITIONER

AND

1. The Mandal Revenue Officer, Nirmal, Post & Mandal, Nirmal, Adilabad District.
2. Gumidiala Narasimhulu @ Narasaiah, S/o. Venkanna,
   R/o. Jummerathpet, Nirmal District, Adilabad.
3. P. Raja Reddy, S/o. Ganga Reddy,
   R/o. Bhagyanagar Village, Nirmal Mandal, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of certiorari calling for the records relating to the proceedings No.A/11170/03 dt. 1.7.2005 passed by the Mandal Revenue Officer, i.e., Respondent No.1 herein and to declare the same as illegal, arbitrary and contrary to the provisions under A.P.Records of Rights in Land and pattadar Pass Book Act, 1971 and its Rules and to quash the said proceedings.

Counsel for the Petitioner:MR.VINOD KUMAR DESHPANDE

Counsel for Respondent No.1: GP FOR REVENUE

Counsel for Respondent Nos.2 & 3 :

The Court made the following :

ORDER:

This Writ Petition is filed by the petitioner to declare the proceedings dated 01.07.2005, issued by the first respondent-Mandal Revenue Officer as illegal and arbitrary.

It is the case of the petitioner that he is the owner and possessor of an agricultural land admeasuring Ac.5.00 situated in Sy.No.286/1(286/A) at Yellapally Village of Nirmal Mandal, Adilabad District, having purchased the same under a Registered Sale Deed dated 07.01.1985. The first respondent-Mandal Revenue Officer after conducting enquiry issued Pattadar Passbook in his favour. Later, the Revenue Divisional Officer, Nirmal issued a title Deed showing him as the pattadar of the said land. While so, one Mr.P.Raja Reddy moved an application dated 18.11.2003 before the first respondent-Mandal Revenue Officer, Nirmal alleging that the petitioner got falsely entered his name in revenue records even though he is not in possession of the said land. Pursuant to the notice issued to the petitioner by the Mandal Revenue Officer, he produced all the copies of the relevant documents before him. But, the first respondent without conducting any proper enquiry, issued impugned proceedings dated 01.07.2005. Hence, the Writ Petition.

When the matter came up for admission, learned Government Pleader submitted that the Writ is not maintainable and only an appeal lies to the Revenue Divisional Officer under Section 5(5) of the A.P. Records of Rights in Land and Pattadar Pass Book Act, 1971 (for short **'the Act'**) and that the petitioner without availing effective alternative remedy, provided under the Act, straight away approached this Court.

Having regard to the submission of the learned Government Pleader, the Writ Petition is dismissed. However, it is open for the petitioner to approach the appellate Authority by way of filing an appeal against the Order impugned in this Writ Petition within a period of two weeks from the date of receipt of a copy of the Order. No order as to costs.

(ELIPE DHARMA RAO, J)

Dt: 21.07.2005

bsv/lvl

To

1. The Mandal Revenue Officer,

Nirmal Post & Mandal, Nirmal, Adilabad District

2. Two CCs to the Government Pleader for Revenue, High Court

of A.P., Hyderabad (OUT)

3. Two CD copies